

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 144

The question is whether an employee of the City's Department of Parks and Recreation may have outside employment as a technician providing services at the A Street block party.

The Ethics Commission [Commission] understands the facts to be as follows:

When the concerts on A Street began, the City made a verbal commitment to furnish support through the loan of the stage, sound equipment, the services of the City's downtown promotions personnel, and an aide for a limited time.

After several weeks, the concerts, which came to be known as block parties, proved to be successful. The Downtown Business Council [DBC] decided to commit its efforts to downtown promotions and became a sponsor of the events, which became a private venture.

The events are currently being sponsored by the DBC or other individual or corporate sponsors in cooperation with the DBC.

The City has not been directly involved in these events since the events became a private venture. The City has no written or verbal agreement with the DBC.

The technicians who provide services to these parties are hired by the sponsors of the event.

The duties of the City employee who requested this opinion include managing a large City park. His duties do not involve downtown and he has no official dealing with the DBC or the sponsors of the block parties.

The Commission finds that the City employee involved may accept outside employment as a technician from the sponsors of the block parties.

The standards of conduct which are relevant to this discussion are:

Sec. 6-1.2. Additional Standards of Conduct.

No officer or employee of the City, except as hereinafter provided, shall:

....

(2) Acquire a financial interest in business enterprises which he has reason to believe may be directly involved in official action to be taken by him.

....

(5) Enter into any contract in behalf of the City with an officer or employee or with a business in which an officer or employee has a controlling or substantial financial interest, involving the furnishing of services, materials, supplies, and equipment unless the contract is made after competitive bidding; provided that this paragraph shall not apply to personal contracts of employment with the executive branch of the City as prescribed in subsections (g) and (h) of Section 6-303 of the Revised Charter or equivalent contracts with the legislative branch of the City as prescribed in subsection (f) of Section 6-304 of the Revised Charter. [Section 6-1.2, Revised Ordinances of Honolulu 1978]

Section 11-102. Conflicts of Interest--No elected or appointed officer or employee shall:

....

4. Receive any compensation for his services as an officer or employee of the city from any source other than the city, except as otherwise provided by this charter or by ordinance. [Section 11-102, Revised Charter of the City and County of Honolulu 1973 (1983 Ed.)]

The facts indicate that the employee does not take any official action regarding block parties, the DBC, or the sponsors of the event. Thus, he is not prohibited by Section 6-1.2(2), Revised Ordinances of Honolulu 1978 [ROH], from having outside employment at the block parties because he will not be involved in any official action regarding those parties.

Section 6-1.2(5), ROH, does not apply in this case because any contract that the employee may enter into in connection with the block parties would not involve the City. As indicated above, the City is no longer involved in sponsoring the block parties.

Section 11-102.4, Revised Charter of Honolulu 1973 (1983 Ed.), also does not bar this outside employment. The City no longer provides City employees to work at the block parties at City expense as it did during the first phase of block parties.

Therefore, the Commission concludes that the employee in question is not barred by the standards of conduct from accepting outside employment as a technician at the block parties. This opinion is limited to the facts stated and does not apply to every City employee. In addition, there may be administrative rules which limit this type of outside employment.

Dated: January 2, 1985

GILBERT A. GIMA
Chair, Ethics Commission

